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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

REBECCA BRATCHER, on behalf of herself and all others similarly situated,

Case No.: 2:20-cv-00767-APG-BNW

Plaintiff,  
v.  
ALLEGIANT TRAVEL COMPANY,  
Defendant.

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME FOR  
DEFENDANT ALLEGIANT TRAVEL  
COMPANY TO FILE RESPONSIVE  
PLEADING TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT**

## [Second Request]

Defendant Allegiant Travel Company (“Allegiant”), by and through its undersigned counsel of record, the law firm of Greenberg Traurig, LLP, and Plaintiff Rebecca Bratcher (“Plaintiff”), by and through her undersigned counsel of record, the law firms of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP, and Burson & Fisher, PA, hereby stipulate and agree to extend the time for Allegiant to file an answer or other responsive pleading to Plaintiff’s First Amended Complaint (“FAC”), up to and including thirty (30) days after the Court rules on the pending motion for an order consolidating *Herr v. Allegiant Air, LLC*, Case No. 2:20-cv-01002-RFB-NJK (D. Nev. 2020) (the “*Herr Action*”) with this case. Good cause exists to grant this Stipulation, based on the following:

1        WHEREAS, on May 20, 2020, the Court Ordered, upon the parties' stipulation, that  
 2 Allegiant's deadline to respond to Plaintiff's original Complaint was June 30, 2020 (ECF No. 15);

3        WHEREAS, on June 5, 2020, Plaintiff filed the FAC (ECF No. 16);

4        WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(3), Allegiant's current  
 5 deadline to respond to Plaintiff's FAC remains June 30, 2020;

6        WHEREAS, on June 5, 2020, Plaintiff also filed a motion for an order consolidating the  
 7 *Herr* Action with this case (ECF No. 17) (the "Consolidation Motion");

8        WHEREAS, like this case, the *Herr* Action is a putative class action pending in the District of  
 9 Nevada that concerns consumer refunds on Allegiant flights, as a result of the COVID-19 pandemic;

10       WHEREAS, on June 19, 2020, Allegiant filed a response to the Consolidation Motion,  
 11 indicating that it did not oppose consolidation with the *Herr* Action because consolidation will  
 12 promote efficiency, given the overlapping claims and proposed classes;

13       WHEREAS, if the Consolidation Motion is granted, the parties anticipate a consolidated  
 14 complaint will be filed that supersedes Plaintiff's FAC;

15       WHEREAS, to proceed efficiently and orderly, the parties met and conferred in good faith,  
 16 and agreed that Allegiant's response to Plaintiff's claims should follow a decision on the  
 17 Consolidation Motion and the filing of a consolidated complaint, if consolidation is ordered;<sup>1</sup>

18       NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and  
 19 Allegiant, subject to the Court's approval, that:

20       (1)      The deadline for Allegiant to respond to Plaintiff's FAC shall be extended until thirty

21       (30) days after the Court rules on the pending Consolidation Motion, as follows:

22       (a)      If the Court grants the Consolidation Motion and orders that a consolidated  
 23                    complaint be filed, then Allegiant's response to that consolidated complaint  
 24                    shall be due thirty (30) days after its filing;

25  
 26 <sup>1</sup>The parties also advise the Court that this case and the *Herr* Action are the subject of a motion to transfer  
 27 both cases, along with dozens of other COVID-19 airline ticket refund cases, pending before the Judicial  
 28 Panel on Multi-District Litigation (MDL No. 2957) (the "MDL Transfer Motion"). The MDL Transfer  
 Motion seeks transfer to the Northern District of Illinois. Responses to the MDL Transfer Motion are due  
 on July 9, and replies are due on July 16.

(b) In the event of denial of the Consolidation Motion, Allegiant's response to Plaintiff's FAC shall be due thirty (30) days after entry of an Order issuing such a denial.

## IT IS SO STIPULATED.

DATED this 25<sup>th</sup> day of June, 2020.

DATED this 25<sup>th</sup> day of June, 2020.

# GREENBERG TRAURIG, LLP

# WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

/s/ Jacob D. Bundick, Esq.

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## ORDER

## IT IS SO ORDERED.

DATED this 30 day of June, 2020.

Berlwekahn

UNITED STATES DISTRICT JUDGE /  
UNITED STATES MAGISTRATE JUDGE